

U.S. DISTRICT COURT  
BANGOR, MAINE  
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UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

2009 JUL 10 P 3:32

BY \_\_\_\_\_  
DEPUTY CLERK

Kevin Guay

v.

NH Case No. 1:09-cv-217

Thomas Burack, et al

**ORDER**

All active service district judges in this district are recused from presiding over this case.

Accordingly, the case shall be referred to the District of Maine; sitting by designation.

The recusal of all of the active service district judges in this court give rise to an "emergency" with respect to the referred case as that term is used in 28 U.S.C. § 636 (f). I therefore concur in the assignment of a magistrate judge from the designated district to perform the duties specified in 28 U.S.C. §636(a) - (c).

SO ORDERED.

Date:

June 9, 2009

  
Steven J. McAuliffe  
Chief Judge

cc: Kevin Guay, pro se  
Clerk, USDC-Maine

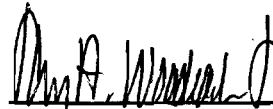
**CONCURRING ORDER**

I concur that D. Brock Hornby, a district judge in active service, shall be designated and assigned to preside over the above-captioned case.

I further concur that an emergency exists as specified above and that for the duration of this case Magistrate Judge John H. Rich III is assigned to perform such duties under 28 U.S.C. § 636 (a) - (c) as may be assigned to him/her by the district judge to whom this case is assigned.

Date:

July 10, 2009



Chief United States District Judge  
Assignee District

cc: Kevin Guay, pro se  
Clerk, USDC-New Hampshire